

Executive Summary – Enforcement Matter – Case No. 44160
Valero Refining-Texas, L.P.
RN100219310
Docket No. 2012-1006-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Refining Houston Refinery, 9701 Manchester Street, Houston, Harris County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-2667-AIR-E and 2012-2692-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$50,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$25,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$25,000

Name of SEP: Houston-Galveston Area Emission Reduction Credit Organization's
Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$37,500

Applicable Penalty Policy: September 2011

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Valero Refining-Texas, L.P.
RN100219310
Docket No. 2012-1006-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 20 to February 3, 2012

Date(s) of NOE(s): April 13, 2012

Violation Information

Failed to prevent unauthorized emissions. Since Respondent did not provide sufficient information to determine if the emissions event could have been avoided by better design, operational, or maintenance practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4); Standard Permit Registration No. 83749, Standard Permit Maximum Emission Rates Table; Federal Operating Permit No. O1381, Special Terms and Conditions No. 19 and General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Within 30 days, implement measures and procedures designed to prevent a recurrence of emissions events due to the same causes as Incident No. 163086; and
 - b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Robert E. Moore, Vice President & General Manager, Valero Refining-Texas, L.P., P.O. Box 5038, Houston, Texas 77262

Christopher Abshire, Manager - Environmental Engineering, Valero Refining-Texas, L.P., P.O. Box 5038, Houston, Texas 77262

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1006-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Valero Refining-Texas, L.P.
Payable Penalty Amount:	Fifty Thousand Dollars (\$50,000)
SEP Amount:	Twenty-Five Thousand Dollars (\$25,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston Area Emission Reduction Credit Organization's ("AERCO's") Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate

matter filters, nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to ATexas Commission on Environmental Quality® and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	16-Apr-2012	Screening	14-May-2012	EPA Due	7-Jan-2013
	PCW	15-May-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100219310		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44160	No. of Violations	1
Docket No.	2012-1006-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$50,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$50,000**

Notes: Enhancement for four NOV's with same/similar violations, 24 NOV's with dissimilar violations, eight orders with denial of liability, and three orders without denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$526
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$100,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$100,000**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$50,000**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$50,000**

Screening Date 14-May-2012

Docket No. 2012-1006-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44160

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 297%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, 24 NOVs with dissimilar violations, eight orders with denial of liability, and three orders without denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 297%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 14-May-2012

Docket No. 2012-1006-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44160

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 122.143(4); Standard Permit Registration No. 83749, Standard Permit Maximum Emission Rates Table; Federal Operating Permit No. O1381, Special Terms and Conditions No. 19 and General Terms and Conditions; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 24,601.80 pounds ("lbs") of sulfur dioxide, 7,002.44 lbs of volatile organic compounds, 1,592 lbs of carbon monoxide, 268.44 lbs of hydrogen sulfide, 220.64 lbs of nitrogen oxides, and 9.64 lbs of particulate matter from the Complex 1/FRGU Flare, Emissions Point Number 30FL1, during an emissions event (Incident No. 163086) that began on December 24, 2011 and lasted 35 hours and 30 minutes. The emissions event occurred when variable flow and pressure changes across the Wet Gas Compressor caused a discharge line check valve to briefly cycle to the closed position. The check valve then failed to fully open, resulting in overpressure conditions which caused the process relief valve to open and discharge to the flare header system. Since the Respondent did not provide sufficient information to determine if the emissions event could have been avoided by better design, operational, or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$50,000

Two daily events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x (mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$526

Violation Final Penalty Total \$100,000

This violation Final Assessed Penalty (adjusted for limits) \$50,000

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.

Case ID No. 44160

Reg. Ent. Reference No. RN100219310

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-Dec-2011	11-Jan-2013	1.05	\$526	n/a	\$526

Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to prevent a recurrence of emissions events due to the same causes as Incident No. 163086. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions are expected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$526

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.46
Regulated Entity:	RN100219310	VALERO REFINING HOUSTON REFINERY	Classification: AVERAGE	Site Rating: 9.12
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0130C	
	AIR OPERATING PERMITS	PERMIT	1381	
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00524	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30520	
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD053624193	
	AIR NEW SOURCE PERMITS	REGISTRATION	94434	
	AIR NEW SOURCE PERMITS	REGISTRATION	92272	
	AIR NEW SOURCE PERMITS	REGISTRATION	36395	
	AIR NEW SOURCE PERMITS	REGISTRATION	36394	
	AIR NEW SOURCE PERMITS	REGISTRATION	36392	
	AIR NEW SOURCE PERMITS	REGISTRATION	37103	
	AIR NEW SOURCE PERMITS	REGISTRATION	37102	
	AIR NEW SOURCE PERMITS	REGISTRATION	37101	
	AIR NEW SOURCE PERMITS	REGISTRATION	38961	
	AIR NEW SOURCE PERMITS	REGISTRATION	40306	
	AIR NEW SOURCE PERMITS	REGISTRATION	41495	
	AIR NEW SOURCE PERMITS	REGISTRATION	42119	
	AIR NEW SOURCE PERMITS	REGISTRATION	42999	
	AIR NEW SOURCE PERMITS	REGISTRATION	44387	
	AIR NEW SOURCE PERMITS	REGISTRATION	45273	
	AIR NEW SOURCE PERMITS	REGISTRATION	45869	
	AIR NEW SOURCE PERMITS	REGISTRATION	47166	
	AIR NEW SOURCE PERMITS	REGISTRATION	48166	
	AIR NEW SOURCE PERMITS	REGISTRATION	50138	
	AIR NEW SOURCE PERMITS	REGISTRATION	50232	
	AIR NEW SOURCE PERMITS	PERMIT	8483A	
	AIR NEW SOURCE PERMITS	PERMIT	2501A	
	AIR NEW SOURCE PERMITS	PERMIT	7144A	
	AIR NEW SOURCE PERMITS	PERMIT	7158A	
	AIR NEW SOURCE PERMITS	REGISTRATION	71919	
	AIR NEW SOURCE PERMITS	REGISTRATION	33933	
	AIR NEW SOURCE PERMITS	REGISTRATION	34151	
	AIR NEW SOURCE PERMITS	REGISTRATION	34119	
	AIR NEW SOURCE PERMITS	REGISTRATION	34094	
	AIR NEW SOURCE PERMITS	REGISTRATION	33180	
	AIR NEW SOURCE PERMITS	REGISTRATION	33383	
	AIR NEW SOURCE PERMITS	REGISTRATION	28324	
	AIR NEW SOURCE PERMITS	PERMIT	19637	
	AIR NEW SOURCE PERMITS	PERMIT	19294	
	AIR NEW SOURCE PERMITS	REGISTRATION	10580A	
	AIR NEW SOURCE PERMITS	PERMIT	2507A	
	AIR NEW SOURCE PERMITS	PERMIT	2498A	
	AIR NEW SOURCE PERMITS	REGISTRATION	10471A	
	AIR NEW SOURCE PERMITS	REGISTRATION	13020A	
	AIR NEW SOURCE PERMITS	REGISTRATION	36390	
	AIR NEW SOURCE PERMITS	REGISTRATION	35206	
	AIR NEW SOURCE PERMITS	REGISTRATION	55752	
	AIR NEW SOURCE PERMITS	PERMIT	48982	
	AIR NEW SOURCE PERMITS	REGISTRATION	75514	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100065	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0130C	
	AIR NEW SOURCE PERMITS	REGISTRATION	70289	
	AIR NEW SOURCE PERMITS	PERMIT	71281	
	AIR NEW SOURCE PERMITS	REGISTRATION	50600	
	AIR NEW SOURCE PERMITS	REGISTRATION	54510	

AIR NEW SOURCE PERMITS	REGISTRATION	56205
AIR NEW SOURCE PERMITS	REGISTRATION	54616
AIR NEW SOURCE PERMITS	REGISTRATION	71680
AIR NEW SOURCE PERMITS	REGISTRATION	54513
AIR NEW SOURCE PERMITS	REGISTRATION	73824
AIR NEW SOURCE PERMITS	REGISTRATION	73902
AIR NEW SOURCE PERMITS	REGISTRATION	73869
AIR NEW SOURCE PERMITS	REGISTRATION	74363
AIR NEW SOURCE PERMITS	REGISTRATION	76694
AIR NEW SOURCE PERMITS	REGISTRATION	78537
AIR NEW SOURCE PERMITS	REGISTRATION	78574
AIR NEW SOURCE PERMITS	PERMIT	80493
AIR NEW SOURCE PERMITS	REGISTRATION	81166
AIR NEW SOURCE PERMITS	REGISTRATION	81526
AIR NEW SOURCE PERMITS	REGISTRATION	81979
AIR NEW SOURCE PERMITS	REGISTRATION	84930
AIR NEW SOURCE PERMITS	REGISTRATION	88508
AIR NEW SOURCE PERMITS	REGISTRATION	94967
AIR NEW SOURCE PERMITS	REGISTRATION	87909
AIR NEW SOURCE PERMITS	REGISTRATION	85583
AIR NEW SOURCE PERMITS	REGISTRATION	86148
AIR NEW SOURCE PERMITS	REGISTRATION	86875
AIR NEW SOURCE PERMITS	REGISTRATION	86142
AIR NEW SOURCE PERMITS	REGISTRATION	86293
AIR NEW SOURCE PERMITS	REGISTRATION	95584
AIR NEW SOURCE PERMITS	REGISTRATION	83749
AIR NEW SOURCE PERMITS	EPA ID	PSDTX767M2
AIR NEW SOURCE PERMITS	REGISTRATION	82694
AIR NEW SOURCE PERMITS	EPA ID	PSDTX767M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX767
AIR NEW SOURCE PERMITS	REGISTRATION	98526
AIR NEW SOURCE PERMITS	REGISTRATION	101541
AIR NEW SOURCE PERMITS	PERMIT	98069
AIR NEW SOURCE PERMITS	REGISTRATION	101758
AIR NEW SOURCE PERMITS	REGISTRATION	101936
AIR NEW SOURCE PERMITS	REGISTRATION	99288
WASTEWATER	PERMIT	WQ0000535000
WASTEWATER	EPA ID	TX0002976
PETROLEUM STORAGE TANK	REGISTRATION	34003
REGISTRATION		
STORMWATER	PERMIT	TXR05K869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30520
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0130C

Location: 9701 MANCHESTER STREET, HOUSTON, HARRIS COUNTY TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 14, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 14, 2007 to May 14, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 07/13/2007 ADMINORDER 2007-0161-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
No. 2501A, Special Condition 10B PERMIT

Description: Failed to prevent unauthorized emissions, to operate the gas flares with a flame present at all times, and to maintain them in good working order.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/10/2007 ADMINORDER 2006-2218-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT

Description: Valero exceeded SO2 permit emission limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to operator error.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to provide additional or more detailed information on the emissions event when requested by the executive director or air pollution agency with jurisdiction, within the time frame established in the request.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

Description: Valero exceeded SO2 permit limits during an avoidable emissions event.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Valero failed to submit a final emissions event report no later than two weeks after the end of the emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit No. 2501A, Special Condition #1 PERMIT
Permit No. 2507A, Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions through the FCC flare.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit No. 2507A, Special Condition #6 PERMIT
Description: Failure to route acid gas to the SRU.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 2501A PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 112, SubChapter A 112.3(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 2501A, SC 1 PERMIT
Description: Failure to maintain net SO2 net ground level concentrations below the limit of 0.28 ppmv averaged over any 30-minute period.

Effective Date: 11/09/2007 ADMINORDER 2007-0604-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 50232 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 2501A, SC No. 1 PERMIT
Description: Valero failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 50232 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 06/19/2008 ADMINORDER 2008-0014-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: No. 71281, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions during a November 26, 2007 emissions event (Incident No. 100464).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit the final record for the November 26, 2007 emissions event (Incident No. 100464) within 14 days after the end of the emissions event.

Effective Date: 07/03/2008 ADMINORDER 2007-1960-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit 48982, Special Condition #12 PERMIT
Description: The Respondent is alleged to have failed to retrofit heaters 27BA1100, 27BA1103, 27BA1105, and 29BA1300 with burners meeting 0.06 pounds of nitrogen oxides (NOx) per million British thermal units by December 31, 2006.

Effective Date: 10/23/2008 ADMINORDER 2008-0712-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 2501A, SC 1 PERMIT
Description: Valero failed to prevent unauthorized emissions of 143.16 lbs of VOC, 73.2 lbs of carbon monoxide, 10.2 lbs of oxides of nitrogen, 6.68 lbs of hydrogen sulfide, and 609.0 lbs of sulfur dioxide during an emissions event that occurred on March 24, 2008 (Incident No. 105338) and lasted for 4 hours and 0 minutes.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions of 104.80 lbs of VOC, 112.770 lbs of carbon monoxide, 16.08 lbs of oxides of nitrogen, 9.60 lbs of hydrogen sulfide, and 872.62 lbs of sulfur dioxide during an emissions event that occurred on March 31, 2008 and lasted for 3 hours and 35 minutes.

Effective Date: 04/05/2009 ADMINORDER 2008-1437-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Effective Date: 07/20/2009 ADMINORDER 2009-0339-AIR-E
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit the final report of a reportable emissions event in a timely manner.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Standard Permit PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, 1,200.00 lbs of nitrogen oxides; 302.00 lbs of carbon monoxide; 2,083.00 lbs of sulfur dioxide; and 601.00 lbs of different organic compounds (VOCs). Loss of affirmative defense due to late reporting.

Effective Date: 05/09/2010 ADMINORDER 2009-1487-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 11(i) OP
Description: Failure to comply with the emissions limitations and operations limitations, relating to three specific sources, that were established during the initial HRVOC performance tests required by 30 TAC 115.725(a)(1).
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart QQQ 60.693-2(a)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms & Conditions OP
Special Terms and Conditions 1A OP

Description: Failure to operate API Separator without leakage.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP
Special Condition 1A OP

Description: Failure to submit a deviation report with proper rule citation information.

Effective Date: 11/18/2011

ADMINORDER 2010-0909-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1381, STC 19 PERMIT
Standard Permit 81979, GC 30 PERMIT

Description: Failed to comply with the 3.53 lbs per hour ("lbs/hr") NOx emission rate for Temporary Boiler No. 1 at the Houston Refinery. Specifically, during a November 2, 2007 stack test, the NOx emissions rate from Temporary Boiler No. 1 was 4.57 lbs/hr.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: WQ0000535000, Requirement 1 for 001 PERMIT

Description: Failed to comply with the permitted effluent limitations at the Houston Refinery.

Classification: Major

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
30 TAC Chapter 319, SubChapter A 319.7(a)(5)

Rqmt Prov: WQ0000535000, Nos. 2.f. and g PERMIT

Description: Failed to correctly calculate the effluent loadings for free cyanide at the Houston Refinery. Specifically, the April 2009 through February 2010 DMRs for free cyanide were calculated using the concentration average instead of the loading average.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O1381, Special Condition 19 OP
Standard Permit 81979, SC 5.B.v. PERMIT

Description: Failed to perform stack testing within 90 days after the installation of Temporary Boiler No. 1 at the Houston Refinery. Specifically, Temporary Boiler No. 1 was installed on June 19, 2007; however, stack testing was not conducted until 136 days later on November 2, 2007.

Effective Date: 12/19/2011

ADMINORDER 2011-0781-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.335(e)
30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)
5C THSC Chapter 382 382.085(b)

Description: Failed to stack test seven units for initial demonstration of compliance with 30 TEX. ADMIN. CODE ch. 117 before the deadline of March 31, 2007. The following units were not stack tested: the A Unifier Rx Furnace, C Unifier Rx Furnace, D Unifier Rx Furnace, D Unifier Reboiler, Boilerhouse Hot Oil Heater, 90 Dock 1 Thermal Oxidizer, and WWT Pump Engine (EPNs 28BA1200, 27BA1000, 41BA101, 41BA102, 81BA25, 90CB5601, and 47GG1523, respectively). Cat A 8 c (1) (G)

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/15/2012	(1003440)
2	09/10/2007	(511304)
3	09/10/2007	(511307)
4	05/15/2007	(542295)
5	05/24/2007	(558983)
6	01/14/2008	(566943)
7	07/27/2007	(567340)
8	08/06/2007	(571198)
9	08/22/2007	(573220)
10	06/19/2007	(574870)
11	05/21/2007	(574873)
12	06/18/2007	(574874)
13	07/19/2007	(574875)
14	05/23/2007	(593171)
15	10/25/2007	(595241)
16	11/12/2007	(599655)
17	11/20/2007	(600266)
18	08/21/2007	(607492)
19	10/01/2007	(607493)
20	10/19/2007	(607494)
21	02/05/2008	(609016)
22	12/04/2007	(610822)
23	12/28/2007	(612910)
24	03/13/2008	(614793)
25	02/29/2008	(616621)
26	11/20/2007	(619387)
27	12/20/2007	(619388)
28	01/21/2008	(619389)
29	05/09/2008	(637174)
30	03/20/2008	(638045)
31	05/23/2008	(639669)
32	05/22/2008	(639743)
33	04/18/2008	(646376)
34	05/01/2008	(646378)
35	04/25/2008	(646406)
36	04/25/2008	(653771)
37	02/20/2008	(671885)
38	03/19/2008	(671886)
39	04/18/2008	(671887)
40	12/05/2008	(680116)
41	12/15/2008	(687526)
42	05/14/2008	(689811)
43	06/17/2008	(689812)
44	07/21/2008	(689813)
45	08/14/2008	(699940)
46	08/18/2008	(699945)
47	09/05/2008	(701193)
48	02/13/2009	(708289)
49	08/19/2008	(710569)
50	09/19/2008	(710570)
51	10/20/2008	(710571)
52	12/15/2008	(721478)
53	02/16/2009	(726844)
54	11/20/2008	(727366)
55	03/09/2009	(735657)
56	08/24/2009	(740719)
57	06/24/2009	(741061)
58	08/11/2009	(741091)
59	08/11/2009	(741118)
60	07/20/2009	(741127)
61	08/12/2010	(742039)
62	05/04/2009	(744200)

63	06/30/2010	(746498)
64	06/30/2009	(747023)
65	08/31/2009	(747447)
66	08/19/2009	(749699)
67	02/24/2009	(750098)
68	03/13/2009	(750099)
69	04/20/2009	(750100)
70	04/20/2009	(750101)
71	12/16/2008	(750102)
72	09/14/2009	(759275)
73	07/15/2009	(762174)
74	07/15/2009	(762202)
75	10/29/2009	(767520)
76	09/03/2009	(767802)
77	05/20/2009	(768252)
78	01/20/2009	(768253)
79	09/24/2009	(775299)
80	09/14/2009	(775528)
81	09/11/2009	(775816)
82	11/30/2009	(781553)
83	12/14/2009	(783520)
84	02/22/2010	(789352)
85	04/01/2010	(797369)
86	05/27/2010	(800683)
87	05/24/2010	(801063)
88	06/17/2010	(802806)
89	08/31/2010	(803066)
90	02/20/2010	(804277)
91	07/20/2009	(804278)
92	08/25/2009	(804279)
93	09/22/2009	(804280)
94	11/19/2009	(804281)
95	11/19/2009	(804282)
96	12/20/2009	(804283)
97	01/19/2010	(804284)
98	06/01/2010	(824942)
99	06/16/2010	(827092)
100	03/24/2010	(830736)
101	04/20/2010	(830737)
102	05/20/2010	(830738)
103	06/18/2010	(846220)
104	09/24/2010	(857925)
105	05/19/2011	(859962)
106	07/12/2010	(860818)
107	08/19/2010	(866780)
108	11/03/2010	(870195)
109	09/16/2010	(873855)
110	02/25/2011	(877984)
111	03/08/2011	(878062)
112	10/19/2010	(881457)
113	12/17/2010	(885121)
114	11/19/2010	(887987)
115	03/17/2011	(895911)
116	12/20/2010	(896186)
117	04/29/2011	(902023)
118	01/14/2011	(902261)
119	04/08/2011	(907446)
120	02/18/2011	(909035)
121	03/11/2011	(916296)
122	10/20/2011	(922584)
123	04/19/2011	(924722)
124	05/18/2011	(937976)
125	06/17/2011	(945291)
126	10/25/2011	(952279)

127 07/19/2011 (952575)
 128 08/19/2011 (959258)
 129 12/05/2011 (964139)
 130 01/23/2012 (964940)
 131 09/20/2011 (965287)
 132 10/19/2011 (971330)
 133 11/21/2011 (977488)
 134 04/12/2012 (981650)
 135 02/15/2012 (982113)
 136 02/29/2012 (982223)
 137 12/20/2011 (984256)
 138 01/19/2012 (990555)
 139 02/16/2012 (997920)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/23/2007 (593171) CN600127468
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2007 (607493) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/20/2007 (600266) CN600127468
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Valero failed to submit a CAP in a timely manner.

Date: 12/31/2007 (619389) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/14/2008 (566943) CN600127468
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01381, ST&C 19 OP
 FOP O-01381, ST&C 1A OP
 Permit 2498A, Special Condition 7E PERMIT
 Permit 2501A, Special Condition 4E PERMIT
 Permit 48982, Special Condition 6E PERMIT
 Description: Failure to cap open-ended valves/lines.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01381, ST&C 1A OP
 Description: Failure to make first repair attempts to LDAR leaks.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP Permit 48982, Special Condition 6I PERMIT		
Description:	Failure to repair leaks within 15 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP Permit 2501A, Special Condition 10C PERMIT		
Description:	Failure to operate Flares 30FL1, 30FL2 & 30FL5 without visible emissions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP FOP O-01381, ST&C 3B.(i) OP Permit 2507A, Special Condition 8G PERMIT		
Description:	Failure to Operate the SRU Incinerator stack without visible emissions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP FOP O-01381, ST&C 3B(i) OP Permit 2501A, Special Condition 2 PERMIT		
Description:	Failure to operate the fourth stage separator of the Tail Gas incinerator without visible emissions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) FOP O-01381, ST&C 19 OP Permit 2501A, Special Condition 20F PERMIT Permit 48982, Special Condition 5F PERMIT		
Description:	Failure to paint storage tanks the required colors.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1D OP		
Description:	Late Submittal of operating Permit Amendment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1(J)(ii) OP FOP O-01381, ST&C 1A OP		
Description:	Failure to comply with Initial HRVOC Stack Test limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		

	FOP O-01381, ST&C 19 OP	
	FOP O-01381, ST&C 1A OP	
	Permit 2501A, Special Condition 10 B PERMIT	
Description:	Failure to maintain pilot lights on flares.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(6)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP FOP O-01381, ST&C 9D OP	
Description:	Failure to maintain emergency engine operations records.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 19637, Special Condition 1 OP	
Description:	Failure to comply with the permitted emissions limits for carbon monoxide.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 2501A, Special Condition 1 PERMIT	
Description:	Failure to comply with permitted emissions limits for nitrogen oxides.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 2507A, Special Condition 1 PERMIT	
Description:	Failure to comply with with SO2 permitted limits.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.132(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP	
Description:	Failure to operate the API Separator without VOC leaks.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(g)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 14D OP FOP O-01381, ST&C 1A OP	
Description:	Late submittals of NOC Status Reports.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP	
Description:	Failure to operate Tank 924 with leak free conditions.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 11B OP FOP O-01381, ST&C 1A OP	
Description:	Leaking Sewer Junction Box seals.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.781(b)(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP O-01381, ST&C 1(J)(iv) OP	

FOP O-01381, ST&C 1A OP
 Description: Failure to perform daily visual inspections of water seals.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(b)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01381, ST&C 1(J)(iv) OP
 FOP O-01381, ST&C 1A OP
 Description: Failure to perform fuel flow gas meter calibrations.

Date: 02/04/2008 (609016) CN600127468
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements, pg. 12, no. 2 PERMIT
 Description: Failure to calculate loading values correctly. Zero was being used in the loading calculations for parameters other than chromium, cyanide, and zinc when the values were less than the Minimum Analytical Level (MAL). The permit allows zero to be used in the loading calculations for chromium, cyanide, and zinc when the values are less than the MAL. The permit does not allow a zero to be used in the loading calculations for all other parameters. Therefore, the loading was being calculated incorrectly.

Date: 08/31/2008 (710570) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2008 (768253) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (750098) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2009 (804278) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2009 (750101) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2009 (804279) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/21/2009 (749699) CN600127468
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.263(e)(3)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to record and/or maintain continuous temperature measurements to demonstrate compliance.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to maintain at least a 90% DRE during degassing operations.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter F 115.545
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prove use of approved test methods.

Date: 08/31/2009 (804280) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2009 (747447) CN600127468
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 21 OP
 Description: Failure to maintain firing rates below permitted levels on vacuum tower heaters 23BA301 and 23BA302.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Special Condition 1A OP
 Special Condition 1I (iv) OP
 Special Condition 21 OP
 Special Condition 3E PERMIT
 Special Condition 4E PERMIT
 Special Condition 6E PERMIT
 Special Condition 7E PERMIT

Description: Failure to seal open ended lines in VOC service.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10A PERMIT
 Special Condition 1A OP
 Special Condition 21 OP

Description: Failure to maintain net heating value on flares 30FL-2 and 30FL-5 above permitted limits.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 21 OP
 Description: Failure to control excess emissions.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)
 30 TAC Chapter 115, SubChapter B 115.142(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(3)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Special Terms and Conditions 1A OP
 Description: Failure to operate API Separator with closed hatches.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2 PERMIT
 Special Condition 21 OP
 Description: Failure to maintain H2S concentration limits below permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 21 OP
 Special Condition 4 PERMIT
 Description: Failure to maintain ROSE heater firing rates below permitted levels.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Special Condition 10A OP
 Description: Failure to submit semi-annual CEMS report within 30 days after semi-annual period.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(10)(ii)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Special Condition 1A OP
 Description: Failure to notify the Agency 30 days before a tank seal inspection.

Date: 09/30/2009 (804281) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2009 (804282) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/20/2009 (781553) CN600127468
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 21 OP
 Description: Failure to maintain firing rates below permitted levels on vacuum tower heaters 23BA301 and 23BA302.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10A PERMIT
 Special Condition 1A OP
 Special Condition 21 OP
 Description: Failure to maintain net heating value on flares 30FL-2 and 30FL-5 above permitted limits.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 21 OP
 Special Condition 4 PERMIT
 Description: Failure to maintain ROSE heater firing rates below permitted levels.

Date: 12/31/2009 (804284) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (804277) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2010 (830736) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2010 (830737) CN600127468
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2010 (803066) CN600127468
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 21 OP
 Spec. Cond. 9K PERMIT
 Description: Failure to maintain firebox temperatures above permitted levels. (Category B19(g) (1) Violation)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 21 OP
 Spec. Cond. 9E PERMIT
 Description: Failure to maintain one hour SO2 concentrations below permitted limits on Tail Gas Incinerators (TGI) 39CB2001 and 46CB6301. (Category B14 Violation.)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(5)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 11A OP
 Description: Failure to repair seal gaps within 15 days of discovery on API Separator 47GF5401. (Category B1 violation).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 21 OP
 Spec. Cond. 3E PERMIT
 Spec. Cond. 4E PERMIT
 Spec. Cond. 6E PERMIT
 Spec. Cond. 7E PERMIT
 Description: Failure to seal open ended lines in VOC service. (Category C10 Violation)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 116, SubChapter F 116.617(b)(1)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 23B OP
 Description: Failure to control excess SO2 emissions on FCCU Scrubber Stack 42CB2001. (Category B14 Violation)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 21 OP
 Spec. Cond. 1 PERMIT
 Description: Failure to control excess emissions from Package Boilers. (Category B14 Violation)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(3)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 11A OP
 Description: Failure to operate API Separator with closed hatches. (Category B18 Violation)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(b)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.696(d)(1)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 11A OP
 Description: Failure to conduct a seal gap re-inspection on the API Separator within 60 days after installation of the primary seal. (Category B1 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 1A OP
 Description: Failure to conduct 5 year seal gap inspection on storage tanks. (Category B1 Violation)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 1 PERMIT Spec. Cond. 21 OP		
Description:	Failure to account for all emissions from lift station and associated tank. (Category B18 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.142 5C THSC Chapter 382 382.085(b)		
Description:	Failure to control process wastewater. (Category B14 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 2 PERMIT Spec. Cond. 21 OP		
Description:	Failure to maintain H2S concentrations below permitted limits on 22A1001. (Category B14 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Spec. Cond. 10A PERMIT Spec. Cond. 21 OP		
Description:	Failure to maintain net heating value above 300 Btu/scf on Flare 30FL-1. (Category B19 (g)(1) violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2) 5C THSC Chapter 382 382.085(b) Spec. Cond. 11B OP		
Description:	Failure to include process sewer drains in monthly inspection program. (Category B1 violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 17B PERMIT Spec. Cond. 21 OP		
Description:	Failure to collect weekly ammonia samples from Package Boilers 81BF5601, 81BF5602, and 81BF5603. (Category B1 violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 21 OP Spec. Cond. 9I PERMIT		
Description:	Failure to conduct daily oil/water interface sampling on 45TK7402 and 45TK7403. (Category B1 violation.)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.244 5C THSC Chapter 382 382.085(b)		
Description:	Failure to conduct daily Stage 2 vapor recovery system inspections. (Category B1 violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2) 5C THSC Chapter 382 382.085(b) Spec. Cond. 10F OP		

Description: Failure to operate CEMS continuously on 23AI201 and 42CB2001 during the reporting period. (Category C4 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Spec. Cond. 14 PERMIT
 Spec. Cond. 21 OP

Description: Failure to maintain oxygen concentrations above the permitted limit on tail gas incinerator Unit No. 46CB6301. (Category B14 Violation)

Date: 02/28/2011 (916296) CN600127468

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/20/2011 (922584) CN600127468

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 3 PERMIT
 Special Term & Condition 1A OP
 Special Term & Condition 21 OP

Description: Failure to control the concentration of H2S in fuel gas to 162 ppm on May 27, 2010 from 1700 through 1800 hours. [Category C3 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2E PERMIT
 Special Condition 4E PERMIT
 Special Condition 7E PERMIT
 Special Term & Condition 1A OP
 Special Term & Condition 21 OP

Description: Failure to cap or plug 33 open-ended lines that were discovered on during the certification period of March 28, 2010 through March 27, 2011 on Units 21 through 23, 30, and 41 through 44. [Category C10 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 11B OP
 Special Term & Condition 1A OP

Description: Failure to perform monthly visual inspections of water seals on 19 process sewer drains from July through October 2010 on Units 23 and 42. [Category C4 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13 PERMIT
 Special Term & Condition 21 OP

Description: Failure to maintain the 4.8% minimum oxygen level in the Tail Gas Incinerator (EPN 46CB6301) from June 13, 2010 at 1006 hours through June 14, 2010 at 0354 hours. [Category C3 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Term & Condition 21 OP

Description: Failure to maintain the minimum required temperature of 1284 degrees Fahrenheit in the C-Train Tail Gas Incinerator (TGI) (EPN 39CB2001) for a total of 318 minutes on four occasions from December 29, 2010 through February 10, 2011. [Category C3 Violation]

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 8E PERMIT
Special Term & Condition 21 OP

Description: Failure to operate the Tail Gas Incinerator (EPN 46CB6301) within the permitted SO2 emissions limit of 250 ppm on three occasions from March 31, 2010 through February 10, 2011. [Category C3 Violation]

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to regulate the HRVOC content of the fuel gas to Boiler BF03 (EPN 50BF5603) to the required limit of 7992 million standard cubic feet per day (mscf/day) on three occasions from June 7, 2010 through November 8, 2010. [Category C4 Violation]

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to equip two degreasers, from July 20 through September 22, 2010, with a label which summarizes the operational requirements of the degreasers. [Category C4 Violation]

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.452(1)(B)(B)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 22 OP

Description: Failure to prevent visible emissions, on October 22, 2010 from 1545 through 1600 hours, during sandblasting operations to the DAO Stripper Tank (EPN 44FUG), when the sandblasting enclosure failed. [Category C4 Violation]

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart QQQ 60.692-2(c)(1)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to maintain, during wastewater operations, one man way (EPN 47JB290) and one flange (EPN 22JB210) in a closed and sealed state on 12/20/2010 and June 29, 2011. [Category C4 Violation]

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term & Condition 3(A)(iv)(1) OP

Description: Failure to perform quarterly visual observations, from March 28, 2010 through March 27, 2011, on two tail gas incinerators (EPNs 46CB6301 & 39CB2001). [Category B3 Violation]

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)

5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to include all deviations in the deviation reports dated October 26, 2010 and April 26, 2011. [Category B3 Violation]

Date: 10/27/2011 (952279) CN600127468
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 8 OP
Special Term and Condition 10 OP
Description: Failure to maintain minimum required net heating value for flare 30FL6 (Category B18 violation).

Date: 12/05/2011 (964139) CN600127468
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter H 335.261
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14(e)
Description: Failure to label universal waste-lamps properly.

Date: 12/31/2011 (990555) CN600127468
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 09/19/2007 (598153)
No DOV Associated

Notice of Intent Date: 02/26/2009 (740048)
No DOV Associated

Notice of Intent Date: 07/09/2009 (848687)
Disclosure Date: 10/26/2009
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.696(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.696(d)(2)
Description: Failure to conduct API Separator floating cover initial primary seal gap measurements after replacing the seals.

Viol. Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)
Description: Failure to provide required primary seal gap measurements after the initial fill in 12/08 for tank 90FB511.
Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
Description: Failure to incorporate controls identified with QQQ applicable sewer drains into the monthly inspection program.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Rqmt Prov: PERMIT Permit no. 48982

Description: Failure to update Water 9 model. Failure to comply with and maintain authorized levels of emissions from Waste Water Treatment Plant.

Disclosure Date: 08/09/2011
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.696(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.696(d)(2)

Description: Failure to conduct API Separator floating cover initial primary seal gap measurements after replacing the

seals.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)

Description: Failure to provide required primary seal gap measurements after the initial fill in 12/08 for tank 90FB511.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

Description: Failure to incorporate controls identified with QQQ applicable sewer drains into the monthly inspection program.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT Permit no. 48982

Description: Failure to update Water 9 model. Failure to comply with and maintain authorized levels of emissions from Waste Water Treatment Plant.

Notice of Intent Date: 02/18/2011 (905306)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VALERO REFINING-TEXAS, L.P.	§	
RN100219310	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-1006-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 9701 Manchester Street in Houston, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted from January 20 to February 3, 2012, TCEQ staff documented a release of 24,601.80 pounds ("lbs") of sulfur dioxide, 7,002.44 lbs of volatile organic compounds, 1,592 lbs of carbon monoxide, 268.44 lbs of hydrogen sulfide, 220.64 lbs of nitrogen oxides, and 9.64 lbs of particulate matter from the Complex 1/FRGU Flare, Emissions Point Number 30FL1, during an emissions event (Incident No. 163086) that began on December 24, 2011 and lasted 35 hours and 30 minutes. The emissions event occurred when variable flow and pressure changes across the Wet Gas Compressor caused a discharge line check valve to briefly cycle to the closed position. The check valve then failed to fully open, resulting in overpressure conditions which caused the process relief valve to open and discharge to the flare header system. The TCEQ determined that the Respondent did not provide sufficient information to determine if the emissions event could have been avoided by better design, operational, or maintenance practices.
4. The Respondent received notice of the violations on April 18, 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4); Standard Permit Registration No. 83749, Standard Permit Maximum Emission Rates Table; Federal Operating Permit No. 01381, Special Terms and Conditions No. 19 and General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the Respondent did not provide sufficient information to determine if the emissions event could have been avoided by better design, operational, or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twenty-Five Thousand Dollars (\$25,000) of the administrative penalty. Twenty-Five Thousand Dollars (\$25,000) shall

be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Fifty Thousand Dollars (\$50,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2012-1006-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Twenty-Five Thousand Dollars (\$25,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and procedures designed to prevent a recurrence of emissions events due to the same causes as Incident No. 163086; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Jarvis
For the Executive Director

4/18/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Valero Refining-Texas, L.P. I am authorized to agree to the attached Agreed Order on behalf of Valero Refining-Texas, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Valero Refining-Texas, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Robert E. Moore
Signature

8/31/12
Date

ROBERT E. MOORE
Name (Printed or typed)
Authorized Representative of
Valero Refining-Texas, L.P.

V.P. & GENERAL MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-1006-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Valero Refining-Texas, L.P.
Payable Penalty Amount:	Fifty Thousand Dollars (\$50,000)
SEP Amount:	Twenty-Five Thousand Dollars (\$25,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston Area Emission Reduction Credit Organization's ("AERCO's") Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate

Valero Refining-Texas, L.P.
Agreed Order - Attachment A

matter filters, nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.